

AMENDED IN SENATE JUNE 6, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2981**

**Introduced by Committee on Agriculture (Matthews (Chair),  
Maldonado (Vice Chair), Briggs, Canciamilla, Cardoza, Florez,  
Hollingsworth, Oropeza, Reyes, Salinas, Strickland, Thomson,  
and Wiggins)**

February 27, 2002

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An act to amend ~~Section~~ *Sections 6741, 24713, 25023, and 25703* of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 2981, as amended, Committee on Agriculture. ~~Nursery stock:  
licenses: license fee exemption~~ *Agriculture: exemptions.*

(1) Existing law generally provides that it is a misdemeanor for any person to sell any nursery stock unless the person holds a valid license issued upon payment of the prescribed license fee. Existing law also provides that a person is not required to pay any license fee if the person's sales of plants amount to less than \$500 within any one fiscal year, the person has reported to the county agricultural commissioner his or her intention to make those sales, and all plants sold by the person are of his or her own production, and are sold for planting within the county in which the plants were grown.

This bill would enlarge the exemption from payment of license fees described above by including all persons who otherwise meet the criteria for exemption but whose sales of plants amount to less than \$1,000 within any one fiscal year.

(2) Existing law sets forth specified provisions relating to plant sanitation, poultry meat inspection for wholesomeness, and poultry classification, any violation of which is a misdemeanor. Existing law also provides an exemption from these provisions to a poultry plant where poultry which was produced on the premises is slaughtered, or to the poultry meat itself, if the poultry meat derived from the poultry is sold by the producer on or off the premises where it was produced to retail stores or public eating houses.

This bill would delete these exemptions. By expanding the scope of persons to whom existing crimes are applicable, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6741 of the Food and Agricultural Code  
2 is amended to read:

3 6741. A person is not required to pay any license fee if all of  
4 the following facts exist:

5 (a) The person's sales of plants amount to less than one  
6 thousand dollars (\$1,000) within any one fiscal year.

7 (b) The person has reported to the commissioner his or her  
8 intention to make those sales.

9 (c) All plants which are sold by the person are of his or her own  
10 production, and are sold for planting within the county in which  
11 the plants were grown.

12 SEC. 2. Section 24713 of the Food and Agricultural Code is  
13 amended to read:

14 24713. (a) This chapter does not apply to a poultry plant  
15 where poultry which was produced on the premises is slaughtered  
16 if the poultry meat which is derived from the poultry is sold by the  
17 producer in any of the following ways:

18 ~~(a)~~

1 (1) At retail upon ~~such~~ the premises.

2 ~~(b)~~

3 (2) At retail off of ~~such~~ the premises, either direct to consumers  
4 at their homes or at a retail stand which is operated by the producer  
5 in a farmers' market.

6 ~~(c) On or off the premises where it was produced, to retail stores~~  
7 ~~or public eating houses.~~

8 (b) As used in this section, "producer" includes only an  
9 individual producer who does not employ, except in unforeseeable  
10 exigencies, any person except members of his *or her* immediate  
11 family.

12 SEC. 3. Section 25023 of the Food and Agricultural Code is  
13 amended to read:

14 25023. (a) This chapter does not apply to poultry meat which  
15 is derived from poultry which is produced upon the premises  
16 where it is slaughtered if the poultry meat is sold by the producer  
17 in any of the following ways:

18 ~~(a)~~

19 (1) At retail on the premises.

20 ~~(b)~~

21 (2) At retail by the producer of the poultry meat off of the  
22 premises, either direct to consumers at their homes or at a retail  
23 stand which is operated by ~~such~~ the producer in a farmers' market.

24 ~~(c) On or off the premises where it was produced, to retail stores~~  
25 ~~or public eating houses.~~

26 (b) As used in this section, "producer" includes only an  
27 individual producer who does not employ, except in unforeseeable  
28 exigencies, any person except members of his *or her* immediate  
29 family.

30 SEC. 4. Section 25703 of the Food and Agricultural Code is  
31 amended to read:

32 25703. (a) This part does not apply to poultry meat which is  
33 derived from poultry which is produced upon the premises where  
34 it is slaughtered if the poultry meat is sold by the producer in any  
35 of the following ways:

36 ~~(a)~~

37 (1) At retail upon ~~such~~ the premises.

38 ~~(b)~~

1 (2) At retail off of ~~such~~ *the* premises, either direct to consumers  
2 at their homes or at a retail stand which is operated by the producer  
3 in a farmers' market.

4 ~~(c) On or off the premises where it was produced, to retail stores~~  
5 ~~or public eating houses.~~

6 (b) As used in this section, "producer" includes only an  
7 individual producer who does not employ, except in unforeseeable  
8 exigencies, any person except members of his *or her* immediate  
9 family.

10 *SEC. 5. No reimbursement is required by this act pursuant to*  
11 *Section 6 of Article XIII B of the California Constitution because*  
12 *the only costs that may be incurred by a local agency or school*  
13 *district will be incurred because this act creates a new crime or*  
14 *infraction, eliminates a crime or infraction, or changes the penalty*  
15 *for a crime or infraction, within the meaning of Section 17556 of*  
16 *the Government Code, or changes the definition of a crime within*  
17 *the meaning of Section 6 of Article XIII B of the California*  
18 *Constitution.*

